

Attorney's Docket No.: 10559-861001/P17309  
Intel Corporation

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Declarations

Enclosed herewith are declarations under 37 C.F.R. § 1.131 of Mesrrs. Pinkerton and Cheng. It is respectfully submitted that these declarations in combination with the attached and redacted invention disclosure provide a prima facie showing that the Applicants were in possession of the claimed subject matter prior to the U.S. filing date of Butt.

In particular, the invention disclosure describes a plurality of primary features in a primary feature region, where each primary feature abutting at least one other primary feature, and a plurality of sub resolution features in a boundary region surrounding the primary feature region, inter alia, on pages 5 and 7-9. This subject matter is recited in claims 1, 10, and 16.

The subject matter recited in claim 16: "developing the photoresist such that the mask substrate is exposed in a first plurality of said features and the mask substrate is covered with photoresist material in a second plurality of said features; etching the exposed mask substrate to a phase step

Attorney's Docket No.: 10559-861001/P17309  
Intel Corporation

height; and removing the remaining photoresist material such that no opaque material remains between features in said plurality of features" can be found, inter alia, on pages 5 and 7. Accordingly, the invention disclosure supports the subject matter recited in each of the independent claims.

Moreover, after conception, and prior to September 2, 2003, Applicants worked diligently with patent attorneys who were members of Fish & Richardson P.C. to prepare a patent application that described the conceived invention. After this diligent preparation work, the above-referenced application was filed on October 17, 2003.

35 USC § 102(e)

Claims 1-23 stand rejected under 35 USC § 102(e) as being allegedly anticipated by Butt. This rejection is respectfully traversed.

It is respectfully submitted that, based on the enclosed declarations, Butt is no longer an effective reference under 35 U.S.C. 102(e). Accordingly, the rejections under 35 USC § 102(e) should be withdrawn.

Attorney's Docket No.: 10559-861001/P17309  
Intel Corporation

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. Please apply the \$120 Petition for Extension of Time fee to Deposit Account

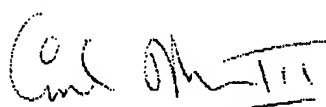
Attorney's Docket No.: 10559-861001/P17309  
Intel Corporation

No. 06-1050. Please apply any other charges or credits to

Deposit Account No. 06-1050.

Respectfully submitted,

Date: 4/10/06

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030  
Attorney for Intel Corporation

Fish & Richardson P.C.  
PTO Customer No. 20985  
12390 El Camino Real  
San Diego, California 92130  
(858) 678-5070 telephone  
(858) 678-5099 facsimile

CARL A. KUKKONEN, III  
REG. NO. 42,773

10586641.doc